

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

THE NEW YORK TIMES COMPANY,

Plaintiff,

v.

MICROSOFT CORPORATION, OPENAI, INC.,
OPENAI LP, OPENAI GP, LLC, OPENAI, LLC,
OPENAI OPCO LLC, OPENAI GLOBAL LLC,
OAI CORPORATION, LLC, OPENAI
HOLDINGS, LLC,

Defendants.

Case No. 1:23-cv-11195 (SHS) (OTW)

**NOTICE OF CONDITIONAL
CROSS-MOTION**

PLEASE TAKE NOTICE that upon the annexed Declaration of Andrew M. Gass, dated June 3, 2024, and the accompanying Memorandum of Law, and upon all prior pleadings and proceedings herein, in the event this Court grants Plaintiff The New York Times Company's Motion for Leave to File First Amended Complaint, Dkt. 118, the undersigned hereby moves this Court on behalf of Defendants Open AI, Inc., OpenAI L.P., OpenAI GP, L.L.C., OpenAI, L.L.C., OpenAI OpCo, L.L.C., OpenAI Global, L.L.C., OAI Corporation, L.L.C., and OpenAI Holdings, L.L.C. (collectively, "OpenAI"), before the Honorable Judge Sidney H. Stein in Courtroom 23A of the Daniel Patrick Moynihan United States Courthouse for the Southern District of New York, located at 500 Pearl Street, New York, New York 10007, for an order (1) requiring that such amendment occur immediately; (2) concluding that OpenAI's pending motion to dismiss shall be considered as directed to the amended complaint; and (3) extending the fact-discovery deadline to March 17, 2025.

Dated: June 3, 2024

Respectfully submitted,

By: /s/ Andrew M. Gass

LATHAM & WATKINS LLP
Andrew M. Gass (*pro hac vice*)^{*}
andrew.gass@lw.com
Joseph R. Wetzel
joseph.wetzel@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111
Telephone: 415.391.0600

Sarang V. Damle
sy.damle@lw.com
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004
Telephone: 202.637.2200

Allison L. Stillman
alli.stillman@lw.com
Luke A. Budiardjo
luke.budiardjo@lw.com
1271 Avenue of the Americas
New York, NY 10020
Telephone: 212.751.4864

By: /s/ Allyson R. Bennett

MORRISON & FOERSTER LLP
Joseph C. Gratz (*pro hac vice*)^{*}
jgratz@mofo.com
Vera Ranieri (*pro hac vice*)
vranieri@mofo.com
425 Market Street
San Francisco, CA 94105
Telephone: 415.258.7522

Allyson R. Bennett (*pro hac vice*)
abennett@mofo.com
Rose S. Lee (*pro hac vice*)
roselee@mofo.com
707 Wilshire Boulevard, Suite 6000
Los Angeles, CA 90017-3543
Telephone: 213.892.5454

* The parties use electronic signatures with consent in accordance with Rule 8.5(b) of the Court's ECF Rules.

By: /s/ Michelle S. Ybarra

KEKER, VAN NEST & PETERS LLP

Robert A. Van Nest (*pro hac vice*)*

rvannest@keker.com

R. James Slaughter (*pro hac vice*)

rslaughter@keker.com

Paven Malhotra

pmalhotra@keker.com

Michelle S. Ybarra (*pro hac vice*)

mybarra@keker.com

Nicholas S. Goldberg (*pro hac vice*)

ngoldberg@keker.com

Thomas E. Gorman (*pro hac vice*)

tgorman@keker.com

Katie Lynn Joyce (*pro hac vice*)

kjoyce@keker.com

Sarah Salomon (*pro hac vice*)

ssalomon@keker.com

633 Battery Street

San Francisco, CA 94111-1809

Telephone: 415.391.5400

Attorneys for OpenAI Defendants